

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ADMASSU REGASSA,

Plaintiff,

v.

C. BRININGER, et al,

Defendants.

No. 4:14-CV-01122

(Judge Brann)

(Magistrate Judge Carlson)

ORDER

MARCH 12, 2019

On February 11, 2019, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court grant Admassu Regassa's motion for reconsideration. No timely objections were filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error. Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed). Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule 72.31. This Court has reviewed the Report and Recommendation and

has found no clear error on the face of the record. Consequently, it is hereby ordered that:

1. Magistrate Judge Martin C. Carlson's Report and Recommendation (ECF No. 218) is **ADOPTED IN ITS ENTIRETY**;
2. Plaintiff's motion for reconsideration (ECF No. 192) is **GRANTED**;
3. The parties are hereby provided notice that this Court will exercise its role as factfinder, pursuant to *Small v. Camden Cty.*, 728 F.3d 265, 271 (3d Cir. 2013), in determining whether Regassa exhausted his administrative remedies; and
4. Within 21 days of the date of this order the parties must submit any supplemental briefs, along with any and all pertinent documents, addressing Regassa's exhaustion of his administrative remedies.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge